REMARKS

With the cancellation of claim 2, 5, 10 to 14, and 18, claims 1, 3, 4, 6 to 9, 15 to 17, and 19 to 25 are now pending.

It is respectfully submitted that all of the presently pending claims are allowable, and reconsideration of the present application is respectfully requested.

Claims 1 to 25 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,219,590 (the Bernaden reference).

While the rejections may not be agreed with, to facilitate matters, claims 2, 5, 10 to 14, and 18 have been canceled herein without prejudice, rendering moot the present rejection with respect to these claims.

As regards the anticipation rejections of the claims, to reject a claim under 35 U.S.C. § 102(b), the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. (See *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). As explained herein, it is respectfully submitted that the Final Office Action does not meet this standard, for example, as to all of the features of the claims. Still further, not only must each of the claim features be identically described, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed subject matter. (See *Akzo, N.V. v. U.S.I.T.C.*, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986)).

Claim 1, as presented, relates to a method for controlling an execution of a program having multitasking capability on a microprocessor of a controller for controlling and/or regulating a driving dynamics system in a motor vehicle, *where the computer program is subdivided into a plurality of tasks to which various priorities are allocated and the tasks are processed in various time patterns in a certain processing sequence depending on the time patterns and the priorities of the tasks.*

Claim 15, as presented, relates to a storage element storing a control program for controlling execution of a computer program having multitasking capability on a microprocessor of a controller for controlling and/or regulating a driving dynamics system in a motor vehicle, *where the computer program is subdivided into a plurality of tasks to which various priorities are allocated and the tasks are processed in various time patterns in a certain processing sequence depending on the time patterns and the priorities of the tasks.*

Claim 17, as presented, relates to a controller for controlling or regulating a driving dynamics system in a motor vehicle, and provides "a microprocessor on which a computer program having multitasking capability may be run the computer program being subdivided into a plurality of tasks to which various priorities are allocated, and the computer program, on a functional plane, being subdivided into a plurality of functionally linked functionalities, each comprising at least one of the tasks; [and] an *arrangement for controlling execution of the computer program, the tasks being processed in various time patterns in a certain processing sequence depending on the time patterns and the priorities of the tasks.*"

The Bernaden reference does not identically disclose (or even suggest) the feature of control or regulation of a driving dynamics system in a motor vehicle. The Final Office Action states that the "Bernaden" reference implicitly discloses this feature since the "Bernaden, III et al." reference refers to an HVAC system which is commonly used in motor vehicles. However, the Bernaden reference refers specifically to an HVAC system *in buildings*. Further, an HVAC system does not pertain to *a driving dynamics system*.

Additionally, while the Bernaden reference may refer to execution of a program, nowhere does the Bernaden reference identically disclose (or even suggest) a computer program that is subdivided into a plurality of tasks to which various priorities are allocated, such that the tasks are processed in various time pattern in a sequence depending on the time patterns and the priorities of the tasks, control of such a program, or an arrangement for controlling execution of such a program, as provided for in the context of the claimed subject matter.

Further, as explained in Applicant's Response, filed September 15, 2005, the Bernaden reference does not identically disclose (or even suggest) any kind of multitasking program. In the "Response to Arguments" section of the Final Office Action, it refers to receiving inputs from a plurality of sensors at the same or approximately the same time as allegedly disclosing a multitasking. While the Bernaden reference may indicate that a controller 120 employs such data, nowhere does the Bernaden reference indicate a sequence in which the controller 120 processes such data. For example, it is possible that a spooler receives the data and places each received datum in a queue for sequential processing by the controller 120.

Accordingly, the Bernaden reference does not identically disclose (or even suggest) all of the features as provided for in the context of each of claims 1, 15, and 17, as presented. It is therefore respectfully submitted that claims 1, 15, and 17 are allowable over the Bernaden reference.

Claims 3, 4, 6 to 9, and 21 to 23 ultimately depend from claim 1, as presented, and therefore include all of the features of claim 1, as presented. It is therefore respectfully submitted that claims 3, 4, 6 to 9, and 21 to 23 are allowable for the same reasons as claim 1.

Claims 16 and 24 depend from claim 15, as presented, and therefore include all of the features of claim 15, as presented. It is therefore respectfully submitted that claims 16 and 24 are allowable for the same reasons as claim 15, as presented.

Claims 19, 20, and 25 depend from claim 17, as presented, and therefore include all of the features of claim 17, as presented. It is therefore respectfully submitted that claims 19, 20, and 25 are allowable for the same reasons as claim 17, as presented.

Withdrawal of these anticipation rejections is therefore respectfully requested.

Accordingly, claims 1, 3, 4, 6 to 9, 15 to 17, and 19 to 25 are allowable.

Conclusion

In view of the foregoing, it is believed that the rejections have been obviated, and that claims 1, 3, 4, 6 to 9, 15 to 17, and 19 to 25 are therefore allowable. It is therefore respectfully requested that the rejections be withdrawn, and that the present application issue as early as possible.

Respectfully submitted,

KENYON & KENYON LLP

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By: _Gerard A. Messina_
Gerard A. Messina
(Reg. No. 35,952)

One Broadway
New York, New York 10004
(212) 425-7200

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